

### **REMARKS/ARGUMENTS**

This is in response to the Office Action of September 9, 2003. Accompanying this amendment is a Petition for Extension of Time, extending the period for response until March 9, 2004.

In the Office Action, the Examiner has indicated that claims 38, 48, 51, and 52 are allowed, and claims 42, 45, 46, 50 and 55-57 would be allowable if amended so as to overcome the rejection of the claims from which they are dependent. On the other hand, claims 39, 44, and 49 are objected to for informalities, while claims 39, 43, 44, 49, 53, and 54 stand rejected under 35 USC 112, paragraph 1, relative to enablement, while claims 41 and 46 stand rejected under 35 USC 112, paragraph 2, relative to antecedent basis. It is noted that claims 40 and 47 are not specifically discussed by the Examiner, although claim 40 is listed among those objected to. Claims 40 and 47 shall be treated hereinafter as if merely objected to and allowable if amended.

At the outset, Applicants acknowledge the Examiner's allowance of independent claims 38 and 48, and conclude that all claims dependent from said claims 38 and 48, the only independent claims of this application, would be allowable but for issues of enablement and/or antecedent basis. Applicants have accordingly amended claims 39, 41, 44 - 47, 49, and 50 of this application so as to overcome these deficiencies and more clearly define that which is believed to be the invention, and shall and request an early indication of the allowability of all claims. Allowed claims 38, 48, 51, and 52, as well as claims 40, 42, 43, 53, and 55-57 remain as previously presented.

Relative to claims 39, 44, and 49, the Examiner has objected to the claims being informal in that the elements "a consumable wick" and "a solid fuel" were claimed in claims 38 and 48. Claim 39 has now been amended to remove confusing phraseology and to more clearly indicate that the meltable solid fuel and consumable wick comprise a replaceable fuel element. Claim 44 has also been amended to remove confusing phraseology, and to specify that the meltable solid fuel is configured to engage the heat conductive melting plate, lobe, and wick holder with fins. With respect to claim 49, clarifying language has been inserted to more clearly indicate that the replaceable fuel element is comprised of both the consumable wick and the solid fuel of claim 48, as

opposed to claim 48 wherein said consumable wick may be separate from said replaceable fuel element.

Relative to the various rejections under the enablement paragraph of 35 USC 112, Applicants offer the following comments. The Examiner has apparently rejected claim 39 on the basis of the specification not teaching, nor providing examples of, "the replaceable fuel element engaging the melting plate and the lobe". Applicants take exception to this conclusion, and direct the Examiner's attention to Figures 8 and 9, as well as to page 8, lines 23 through 31 of the specification as filed (paragraph 0024 of the corresponding Published Application US 2001/0005573 A1). Further discussion of this concept may be found in paragraphs 0034, 0037, 0038, 0066, and 0067 of the published application, as well as in original claims 5, 7, 16, and 18 of the application as filed. As to the specific issue of enablement, it is submitted that one of ordinary skill in the art to which the present invention pertains would have no difficulty in making or using a melting plate candle in accordance with this invention given the teachings of this specification as set forth above.

Relative to claims 43 and 44, rejected as lacking enablement of use of "a replaceable fuel element" in conjunction with and engaging the "plate, lobe, and wick holder with fins". While it is not believed necessary nor appropriate to amend claim 43, claim 44 has been amended as set forth above. The Examiner's attention is directed again to the figures and paragraphs cited above, wherein Applicants clearly have disclosed and shown this embodiment of the invention. Again, it is submitted that one of ordinary skill in the art to which the present invention pertains would have no difficulty in making or using a melting plate candle in accordance with this invention given the teachings of this specification. It is further submitted that no amount of specific direction is necessary in the specification for one of ordinary skill in the art to be able to configure, make, and use the elements of this invention in the manner intended by Applicants, such cooperative configuration being a matter of choice of the practitioner. Moreover, if one of a number of elements is configured so as to cooperatively engage the other elements, it is clear that the latter such elements are also configured so as to be cooperatively engaging relative to the first.

With respect to claims 49, 53, and 54, Applicants reiterate the discussion given above, and again emphasize that one of ordinary skill in the art to which the present invention pertains would be easily enabled to practice the invention as set forth by these claims, as amended, in light of the teachings and figures of the specification. It is noted that claims 49 and 54 have been amended so as to more clearly point out the invention, while claim 53 is not believed to require amendment.

Relative to Claims 41 and 46, rejected as lacking antecedent basis for the phrases "the replaceable fuel element ... heat conductive melting plate" in claim 41, and "replaceable fuel element ... said wick holder with fins" in claim 46, Applicants offer the following comments. In each of these claims, the words "replaceable fuel element consists essentially of a" have now been cancelled. As a result, the objectionable term "replaceable fuel element", which lacked antecedent basis, has now been removed. Accordingly, it is submitted that these claims are now in condition for allowance.

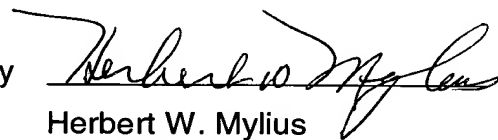
Applicants accordingly submit that all of the claims of this application, as amended, are now in condition for allowance, and respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Paul E. Fumer *et al.*

Dated: March 2, 2004

By



Herbert W. Mylius  
Quarles & Brady LLP  
for S. C. Johnson & Son, Inc  
1525 Howe Street  
Racine, WI 53403-2236  
Reg. No. 24578  
(262) 260-2715